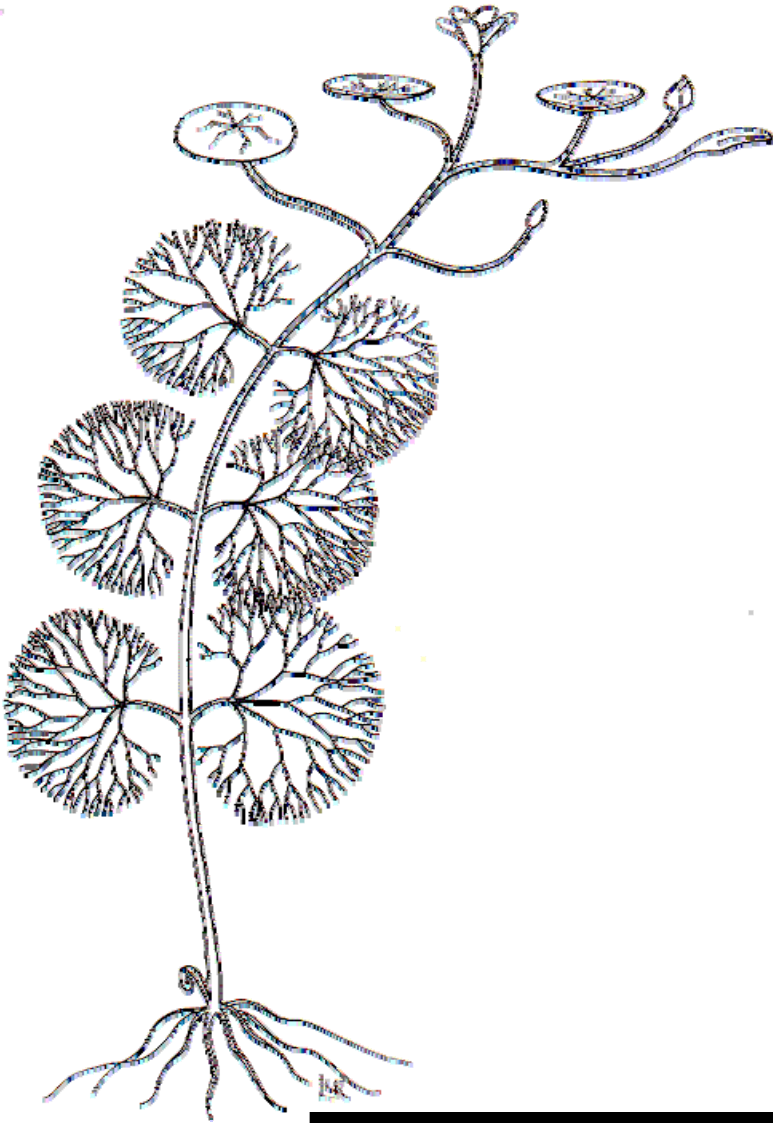




## Washington State Department of Ecology

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### Aquatic Weeds Management Fund Grant Guidelines

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Updated September 2006 (94-52)

**Plant Drawings are from *A Citizen's Manual for Developing Integrated Vegetation Management Plans***

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## Chapter 1

# The Aquatic Weeds Management Fund

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### What is the Aquatic Weeds Fund and Program?

In 1991 the Washington State Legislature established the Freshwater Aquatic Weeds Management Program. This program includes elements for public education, technical assistance, and grants (see Appendix A for enabling legislation).

The Aquatic Weeds Management Fund (AWMF) provides financial and technical assistance to local and state governments, tribes, and special purpose districts to reduce the propagation of **freshwater aquatic weeds** and to manage the problems these weeds cause. An annual three-dollar license fee assessed to the owners of boat trailers provides funding.

### What is a Freshwater Aquatic Weed?

A freshwater aquatic weed is any emergent, submersed, partially submersed, or floating-leaved, vascular aquatic plant in a lake, river, or stream that adversely affects fish populations, reduces habitat for desirable aquatic plant and wildlife species, or decreases public recreational opportunities. A freshwater weed is further defined to include only those species that are classified by the U.S. Fish and Wildlife Service as obligate or facultative wetland species. Obligate wetland species occur in wetlands greater than 99 percent of the time. Facultative wetland species occur in wetlands 67 to 99 percent of the time. Examples of plants that are obligate or facultative wetland species include, but are not limited to: Eurasian watermilfoil (*Myriophyllum spicatum*), Brazilian elodea (*Egeria densa*), parrotfeather (*Myriophyllum aquaticum*) – obligate wetland species, and purple loosestrife (*Lythrum salicaria*) – a facultative wetland species.

This definition of a freshwater weed allows maximum flexibility to provide technical assistance or public education materials for all aquatic weed problems. Financial assistance will be targeted toward non-native invasive aquatic species like Eurasian watermilfoil that are listed on the state noxious weed list and/or the Washington Department of Agriculture quarantine list. Projects dealing with submersed species like Eurasian watermilfoil generally receive funding priority over projects dealing with emergent plants like purple loosestrife.

### Who Can Apply?

Applications for AWMF grants will be accepted from cities, counties, state agencies, tribes, and special purpose districts to fund projects to prevent, remove, reduce, or manage excessive freshwater aquatic weeds.

## How Much Money is Available?

Funds are dependent on the number of boat trailers registered during any given year, but generally \$600,000 per year is collected. Some of the funds are used for technical assistance and public education programs. Approximately \$400,000 is available for grants in each year, subject to legislative appropriation. About \$100,000 is set aside for early infestation projects on a first come – first served basis. About \$300,000 is available on a competitive basis during the annual funding cycle.

## How are the Guidelines Organized?

The AWMF Program Guidelines describe the funding process in chronological order, starting with general information, then application assistance, and finally guidance for financial management once a grant has been awarded. Applicants for grants are encouraged to read these guidelines before applying for funds.

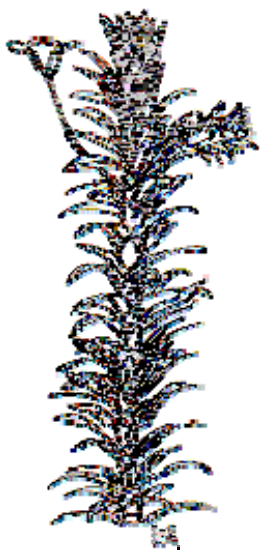
Copies of the statutes, regulations, and documents referenced in these guidelines can be obtained from the Ecology Publications Office (360) 407-7472. Additional copies of the guidelines, application forms, and further information about the AWMF Program can be obtained from:

Kathy Hamel  
Financial Management Section  
Water Quality Program  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
Telephone: (360) 407-6562; E-mail address: [kham461@ecy.wa.gov](mailto:kham461@ecy.wa.gov)

Or from our website at <http://www.ecy.wa.gov/programs/wq/funding/funding.html>

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## Invasive Aquatic Plant Information



*Brazilian elodea is a difficult plant to control. It is a South American species that has been widely sold as an aquarium plant. Brazilian elodea infests some western Washington lakes and we believe that it was introduced by people dumping aquarium contents. It may also be spread on boat trailers. It has a similar, but more robust appearance than native elodea.*

## Chapter 2

### How the Aquatic Weeds Management Fund Works

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#### The Annual Funding Cycle

The AWMF has a yearly funding cycle for general aquatic weed management projects. Funds for **early infestation projects** are available year-round. The annual application period officially begins October 1 and closes on or about November 1 of each year. A public announcement about the funding cycle and the amount of money available will be distributed approximately 30 days prior to the start of the application period. Workshops are held before or during the application period to explain the application process and general program requirements. Workshops are generally held in Lacey and Spokane.

Grant applications are evaluated according to criteria established in these guidelines. A list of projects proposed for funding will be made available approximately two months after the application deadline.

Once grant offers have been made, it generally takes three to six months to negotiate a final grant agreement. Applicants have up to one year from the date of the offer letter to negotiate an agreement. Although grants are expected to proceed in a timely manner, there is no time limit as to how long each grant project may take to complete. Individual projects may last several years.

The annual funding allocation for general aquatic weed management activities is approximately 2/3 of the available grant funds. The total amount of grant funds available each year will vary, but is expected to be about \$400,000 per year; subject to legislative appropriation (this figure includes the early infestation set-aside).

#### Early Infestation Projects

Financial assistance from the AWMF is available on a year-round basis for **early infestation projects**. The goal of these projects is the eradication or containment of **new invasions** of non-native, freshwater, aquatic weeds.

One third of the allotted grant funds will be reserved for early infestation projects each year. The total amount of funds available each year will vary, but is expected to be about \$100,000. Any early infestation funds remaining at the end of the fiscal year will be allocated to general aquatic weed management projects in the following fiscal year.

## **Local Match Requirements**

Grant recipients are required to provide matching funds for AWMF grants. The percentage of match varies according to project type: General aquatic plant projects will be funded at 75 percent state share and 25 percent local share. Pilot projects and early infestation projects will be funded at 87.5 percent state share and 12.5 percent local share.

For all projects match can be made up of any combination of cash, interlocal costs, or in-kind contributions. In no case may the amount of eligible in-kind contributions exceed the required local match.

## **Opportunities for Using AWMF Money**

Funding is provided for:

- Activities intended to prevent, reduce, or manage excessive growth of freshwater, aquatic weeds;
- Development of public education programs relating to the management of freshwater aquatic weeds; and
- Demonstration or pilot projects (applied research).

Projects are limited to:

Lakes, rivers, and streams with publicly provided, seasonal or year-round boat launching ramps (except for hydrilla projects) or lakes designated by the Washington Department of Fish and Wildlife for fly fishing only. Projects in wetlands not associated with a lake or stream are not eligible for funding under this program.

## **Definition of a Boat Ramp**

Boat launching ramps must allow access to the waterbody by a wheeled boat trailer. Canoe or kayak put-in areas **are not** considered to be boat launching ramps. Seasonal access may be provided by a Fish and Wildlife boat launch or similar public access.

## **Maximum Grant Amounts**

Limits have been set on the size of grants that are available.

- The maximum grant amount for aquatic weed management grants is \$75,000 (\$100,000 total eligible project cost);
- Planning grants are limited to \$30,000 maximum grant award (\$40,000 total eligible project cost); and
- The maximum grant amount for early infestation grants is \$50,000.

## Maximum Grant Amounts per Grant Recipient

Limits have also been set on the amount of funds available to each grant recipient during each funding cycle.

The maximum grant amount per grant recipient per funding cycle is \$75,000 for general aquatic weed management projects and \$75,000 for early infestation projects.

**For Example: In any one year a grant recipient could receive two early infestation grants – one for \$50,000 and another for \$25,000 *or* three early infestation grants – each grant for \$25,000 *or* similar combinations adding up to \$75,000. In addition to receiving up to \$75,000 for early infestation projects, the same grant recipient could also receive up to \$75,000 in state funds for general aquatic weed management projects.**

## What Types of Projects can be Funded?

Aquatic Weeds Management Fund grants can only be provided for freshwater weed management projects. Examples of projects include the development of integrated aquatic vegetation management plans, implementation of these plans (plant control activities), education/information projects, aquatic plant mapping and inventory, pilot and demonstration projects, evaluation of implementation effectiveness, and follow-up monitoring. Funding priority will be given to projects dealing with invasive, non-native, freshwater aquatic plant species. Projects with submersed species (example Eurasian watermilfoil) will receive funding priority over projects managing emergent species (example purple loosestrife).

**Previously Funded Objectives:** We consider AWMF to be seed money helping to pay for initial projects that will be continued with local funds. We also want to make the money go as far as possible. To achieve these purposes, lower funding priority will be given to projects where state grants have been previously awarded for the same project.

## What Types of Projects cannot be Funded?

**Activities not eligible for AWMF funds include:** The development of Phase I Lake Restoration Plans, algae control projects, implementation of source controls, dredging projects, and activities or education efforts relating to marine or estuarine plants. These types of projects may be eligible for financial assistance under other state and federal grant and loan programs administered by Ecology. These funding sources include the Centennial Clean Water Fund, the Washington State Water Pollution Control Revolving Fund Program (SRF Loans), and the Clean Water Act Section 319 Nonpoint Source Program. Contact Ecology if you are not certain about the eligibility of your proposed project.

## Chapter 3

### Funding Requirements

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#### General Project Requirements

Applicants must demonstrate that their projects will prevent, eradicate, contain, or control excessive growth of freshwater weeds in lakes, rivers, or streams. Funding priority will be given to projects with invasive, non-native, freshwater plant species. Projects with submersed species like Eurasian watermilfoil are considered higher priority for funding than projects with emergent species such as purple loosestrife.

Type of eligible activities include, but may not be limited to the following projects:

- **Prevention Projects** include public education/information activities and survey and mapping of aquatic plants.
- **Eradication, containment and control projects** include the development and implementation of integrated aquatic plant management plans, and monitoring and evaluation of implementation activities.
- **Demonstration projects** are projects that display new, emerging, or accepted but unfamiliar aquatic weed control technologies to a region-wide or statewide audience.

Applicants proposing or receiving grants for prevention projects, eradication, containment and control projects, and demonstration projects will receive grants up to 75 percent of eligible costs.

- **Pilot projects** involve innovative aquatic weed control technologies that have statewide or regional significance. A project that uses a newly developed biological control for Eurasian watermilfoil management would be considered to be a pilot project. Pilot projects may also consist of a trial of several conventional control techniques or combinations to see what works best for a particular weed species or situation with the least environmental impact. Applied research projects are considered to be pilot projects.

Ecology will attempt to fund at least one high-priority pilot project during each funding cycle. Applicants with pilot projects may receive grants of up to 87.5 percent of total eligible costs.

To find out how to apply for general aquatic plant projects, see Chapter IV – *How to Apply for General AWMF Projects*.

#### Planning Comes First

Planning involves the identification of problems and evaluation of cost-effective alternatives for managing aquatic weeds. To be eligible for AWMF implementation grants, an *Integrated Aquatic Vegetation Management Plan* for the targeted waterbody needs to be completed and submitted to Ecology. An integrated plan means that all aquatic weed management options will

## Aquatic Weeds Management Fund Program Guidelines

be considered during plan development and that one or a combination of options will be chosen for implementation.

Plans must be submitted and approved by Ecology prior to the grant application period. For the minimum requirements of an Integrated Aquatic Plant Management Plan see Appendix C. In addition to the minimum requirements in Appendix C, Ecology has developed a planning guide *A Citizens Manual for Developing Integrated Vegetation Management Plans* to provide additional guidance when developing a plan. This manual is available on the Internet in a pdf format at: <http://www.ecy.wa.gov/biblio/93093.html>, in an html format at: <http://www.ecy.wa.gov/programs/wq/plants/management/manual/index.html>, or can be ordered on-line – Publication Number 93-093.

In the interest of effective early action, a complete *Integrated Aquatic Vegetation Management Plan* is not required for early infestation projects. Ecology requires that projects dealing with the control of freshwater emergent species such as purple loosestrife be conducted under the Washington Department of Agriculture's state-wide integrated aquatic vegetation management plan for noxious emergent vegetation ([http://www.ecy.wa.gov/programs/wq/pesticides/final\\_pesticide\\_permits/noxious/Noxious%20Emergent%20IPM.pdf](http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/noxious/Noxious%20Emergent%20IPM.pdf)). Site-specific integrated aquatic plant management plans are not required for emergent species.

### What are Early Infestation Projects?

An early infestation is a situation in which an invasive, non-native, freshwater, aquatic weed is discovered in its pioneer stages of growth in a lake, river, or stream. Freshwater aquatic species considered to be non-native and invasive include, but are not limited to: Eurasian watermilfoil (*Myriophyllum spicatum*), parrotfeather milfoil (*Myriophyllum aquaticum*), Brazilian elodea (*Egeria densa*), fanwort (*Cabomba caroliniana*), hydrilla (*Hydrilla verticillata*), and purple loosestrife (*Lythrum salicaria*). These plants have caused and continue to cause problems in Washington State and in other parts of North America by their aggressive, invasive growth habits.

The early infestation set-aside enables Ecology to assist public bodies in responding to early infestations of invasive, non-native, freshwater weeds when **immediate corrective action is likely to effectively achieve eradication or containment**. Because it is essential to proceed more quickly than the annual funding cycle allows, applications for early infestation projects may be submitted **at any time**.

**Applicants with early infestation projects may receive grants of up to 87.5 percent of total eligible costs.** To find out how to apply for early infestation funds, see "Chapter 5 – How to Apply for Early Infestation Projects."

## Chapter 4

### How to Apply for General AWMF Projects

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#### Application for General AWMF Projects

The AWMF has a yearly funding cycle for general aquatic weed management projects. Applications for these projects are accepted only during the annual funding cycle that opens October 1 and closes on November 1.

Eligible applicants should request an application packet from Ecology. The grant application consists of two parts. Part one requests the applicant to provide general information including funds requested and the project location. Part two requests the applicant to provide detailed information about the project. Part two is the part of the application which is used during the evaluation process.

Seven copies of the application should be submitted for evaluation purposes. At least one copy of the application must be an original with an original signature of a person authorized to sign on behalf of the applicant. Ecology must receive these applications by the application deadline. The deadline is close of business by the date specified in the application packet (generally November 1). The applications must be delivered (by hand, mail, or package delivery service) to Ecology's headquarters building in Lacey. Ecology cannot accept applications by fax nor may they be received through the Internet. This is because valid signatures are required. Also, they must NOT be delivered to the regional offices.

Our mailing address is:

Kathy Hamel/Joan Clark  
Financial Management Section  
Water Quality Program  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

If you plan to hand deliver your application, our location is:

Water Quality Program  
Department of Ecology  
300 Desmond Drive  
Lacey, WA

See Appendix G for driving directions to the Ecology Headquarters Building.

## How are Projects Evaluated?

As each project proposal is reviewed, Ecology looks for projects that prevent the establishment of invasive, non-native, freshwater, aquatic plants or provide for the management of these plants. Funding priorities are:

1. Projects dealing with submersed freshwater weeds that are listed on the State Noxious Weed list or the Washington Department of Agriculture quarantine list receive priority over projects dealing with emergent or nuisance weed problems. Class A submersed weed projects receive priority over Class B submersed weeds projects over Class C submersed weed projects. The State Noxious Weed Control Board classifies noxious weeds. See [http://www.nwcb.wa.gov/weed\\_list/weed\\_list.htm](http://www.nwcb.wa.gov/weed_list/weed_list.htm) for Washington's most recent noxious weed list.
2. Applicants with Ecology approved integrated aquatic plant management plans for submersed species receive funding priority over other projects.
3. High quality pilot or education projects may be deemed by the reviewers to have a high priority.
4. Projects dealing with noxious emergent wetland species like purple loosestrife receive a lower funding priority over projects dealing with submersed species.
5. Applicants that have already received previous Aquatic Weeds funding for their implementation project, will have a lower funding priority over applicants who have not received previous implementation funding.
6. Freshwater nuisance species (native aquatic plants that are considered to be a nuisance) projects receive the lowest funding priority.

In part two of the application, each applicant is asked to provide a project overview and describe the specific results that will be achieved if the project is funded. The applicant must demonstrate this by showing that the proposed methods are based on a sound understanding of the problem, that staff with skills required to successfully compete the project are available, and that the applicant will be able to assess whether or not the proposed results were achieved.

## The Project Proposal

The project proposal should answer the following questions or include the following elements:

1. Does this project implement an integrated aquatic vegetation management plan? If the applicant has received plan approval from Ecology, please indicate the date that Ecology accepted the plan.
2. What waterbody or waterbodies are being targeted for action? Where is the waterbody (or waterbodies) located in relation to other infestations of this plant? Do the plants in this

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waterbody pose a threat of infestation to other nearby waterbodies? The applicant must include a map of the targeted waterbody with the application.

3. What invasive, non-native, freshwater aquatic plant or plants is causing (or has the potential to cause) problems in the waterbody?
4. How is this aquatic plant or plants impacting the targeted waterbody or waterbodies—or what is the potential of the plant to impact the targeted waterbody or waterbodies; and how will this project benefit the public?

*Impacted uses could include loss of—or impacts to recreation (swimming, boating, fishing, hunting); fisheries, wildlife, and waterfowl uses; commercial uses like power generation, irrigation and water supply; and aesthetics.*

*Ways of describing public benefits may include discussing the numbers of swimmers using the public swimming beaches, the number and types of public boat access points, the number and type of organized activities such as sailing races, water-skiing events, number of fishing days, etc. Public benefits may also include a commitment by the applicant that information about the project will be distributed to others.*

5. Describe the project goals. What will you accomplish by undertaking this project?
6. How will the project goals be achieved? Discuss specific methods to be used and describe how the project will be accomplished.
7. Does this project have statewide or regional significance?

*Examples of statewide significant projects include: Public education projects with a regional or statewide target audience; projects that demonstrate new aquatic weed management techniques (pilot projects); projects that commit to disseminating information about the project or project methods to a regional or statewide audience (demonstration projects); and projects conducted in waterbodies of statewide significance.*

8. Who are the key personnel that will perform the project?

*Key personnel can include experienced staff and key citizen or volunteer personnel who will assist with and/or provide input to the project.*

9. Do you have local citizen support for the project—especially support of citizens who live on, use, or have an interest in managing aquatic plants in the waterbody? Local interest may be shown by the establishment of a continuing funding source such as a lakes association or lake management district, by publication of newsletters, public meetings, volunteers willing to devote time to this project, etc.
10. What is the long-term commitment to this project? Are applicants and/or lake or river residents prepared to continue implementation of long-term objectives without grant support?

## Aquatic Weeds Management Fund Program Guidelines

11. Explain why you think that project will be successful. How will you evaluate success?
12. Provide a detailed project budget and a timeline for project completion.

### **How Does the Selection Process Work?**

**Eligibility Review:** Ecology will not accept any additional or revised project information after the application deadline, but may request clarification of budget or eligibility information. After the close of the application period, the applications are reviewed to determine if the proposed projects meet general eligibility criteria. Ecology staff may contact applicants, or other federal, state, or local agencies, to clarify or verify information contained in or referenced in an application. If a proposed project does not appear to meet these criteria, applicants will be notified of their potential disqualification. Applicants will have two weeks from notification to submit a request for reconsideration with an explanation to demonstrate that their project meets eligibility criteria.

**Project Proposal Evaluation:** Aquatic plant and water quality specialists from Ecology regional and headquarters offices review and evaluate AWMF applications. The information contained in the grant application is the basis on which the project is reviewed and evaluated. It is also the basis for the scope of work that will be in the grant agreement the applicant will negotiate and sign if funding is approved for the project. Major changes proposed to the scope of work during the negotiation process may result in the offer being withdrawn. Applicants will be offered funding for high-priority projects based on the availability of funds. **Generally the demand for funds exceeds the dollars available.**

**A Funding List** will be developed after all eligible applications have been reviewed and evaluated. The list will be approved by the Water Quality Program Manager and issued approximately two months after the application deadline. Ecology will send a grant offer letter to the applicant within 15 days of the date of the funding list. The letter will identify any special grant conditions and the project manager who will be responsible for negotiating the grant agreement. Grant offers are effective for one year from the date of the offer letter. A recipient who is unable to negotiate a signed grant agreement during this time will be considered to have declined the grant offer.

## Chapter 5

### How to Apply for Early Infestation Projects

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#### How to Apply

Approximately \$100,000 is set aside each year for early infestation grants. Grants that meet selection criteria will be awarded to applicants on a first-come-first-served basis until the annual allocation of funds is expended.

If pioneering colonies of an invasive non-native plant are discovered, the applicant should notify the Water Quality Program at (360) 407-6570 or (360) 407-6562 and indicate an interest in obtaining funding. The stage of infestation will be determined by documentation provided by the applicant and/or by a site visit by Ecology, local weed board staff, or other qualified people.

The size, density, and age of the infestation will determine whether it can be successfully contained. For funding purposes, the density and extent of infestation are characterized as light, moderate, and heavy.

**Light infestation** is defined as scattered areas of plant growth in limited areas along the shoreline. The total plant coverage of light infestations is three acres or less in area. Containment operations are generally more successful when the total acreage of the infested areas is less than three (3) acres.

**Moderate infestation** is defined as locally abundant growth in areas along the shoreline. The total acreage of moderate infestations is greater than three acres. **Moderate infestations may be beyond the scope of early infestation projects.**

**Heavy infestation** is defined as dense growth in most areas along the shoreline. Heavy infestations cover much of the suitable habitat for aquatic plants. **Heavy infestations are beyond the scope of early infestation projects.**

#### Potential for Reinfestation

Early infestation grants are offered where eradication or containment has a likelihood of success. A waterbody downstream of an existing infestation or surrounded by infested waterbodies may not be a good candidate for an early infestation grant.

## How are Early Infestation Projects Evaluated?

If the infestation is considered containable by Ecology, the applicant will be asked to fill out an early infestation application. The grant application consists of two parts. One part asks for general information about the applicant and the project; the other part asks the applicant to provide a detailed project description.

Each early infestation application will be evaluated by Ecology staff and a determination made whether funding will be offered. The Water Quality Program Manager will send a grant offer letter to applicants with high-priority projects. This letter will identify the project manager who will be responsible for negotiating the grant agreement and working with the applicant. The project manager and the recipient will begin immediate grant negotiations.

Ecology may provide written authorization for a public body to commence work on a project in advance of a signed executed agreement (see *Prior Authorization* – Chapter VI).

## Applicant Responsibilities

Because invasive plants are not easily controlled, undertaking an early infestation project involves an ongoing commitment from the project sponsor. **Funds are provided as initial impetus to the project and are not to be considered an ongoing source of funds.** Once the plant is initially contained, it is the responsibility of the project sponsor to continue the monitoring, surveillance, and control of the problem plant. Ecology recommends that the following tasks be included in the scope of work of an early infestation project:

- Effective and rapid initial containment of the invading plant;
- Evaluation of the treatment effectiveness, including evaluation the following growing season; and
- Establishment of a local long-term action plan and local funding to continue prevention and/or control activities.

The project proposal should answer the following questions or include the following elements.

1. A project overview/summary that includes the actions to be taken to contain/eradicate the plant.
2. What waterbody or waterbodies are being targeted for action and what is the plant species of concern? Where is the waterbody (or waterbodies) located in relation to other infestations of this plant? Do the plants in this waterbody pose a threat of infestation to other nearby waterbodies?

*Points to consider include: Is the waterbody upstream of any other connected waterbodies or are there nearby uninfested systems? Are there fishing and boating activities in the waterbody that may lead to increased chances of dispersing the plants?*

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3. What impacts may the invasive plant have on public use and water-based recreation if it is not contained?

*Will the presence of this plant interfere with commercial or domestic water supplies? What impacts will there be on public parks, boat launches, campgrounds, etc?*

4. What degree of environmental and economic damage may be caused by not containing this invasive plant?

*Environmental damage may be caused by loss of critical habitat/food sources for fish, waterfowl, and/or wildlife; especially rare, threatened, or endangered species. What percentage of the waterbody could potentially be infested by the invading weed?*

5. How committed are you to continue the project after the initial infestation is contained?

*Project sponsors must commit to either: An existing long-term commitment of financial and human resources to continue the containment effort; or include in the project proposal an element to establish long-term commitment and funding for this project.*

6. Do you have local citizen support for the project—especially support of those citizens that live on, use, or have an interest in managing the aquatic plants in the targeted waterbody?

7. Who are the key people that will carry out this project?

*Key people can include experienced staff, consultants, contractors, and key citizen or volunteer personnel who will assist with and/or provide input to the project.*

8. What methods do you propose using to eradicate or contain the pioneer infestation?

9. Provide a detailed project budget and a timeline for project completion.

Applicants with early infestation projects may receive grants of up to 87.5 percent of total eligible project costs. The local match may consist of any combination of cash, grants, or in-kind contributions.

## Chapter 6

### Developing a Grant Agreement

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#### Developing and Signing Agreements

When a project has been identified on a final offer list, the recipient will be notified by Ecology by telephone and letter. The Ecology project manager will develop a draft grant agreement based on the scope of work in the grant application. The project manager and the recipient will confer by phone or in a work session to resolve concerns and to refine the draft scope of work and to discuss the grant requirements and the budget. The grant agreement will be finalized after the recipient and Ecology concur on the appropriate scope of work, schedule, eligible costs, and other details. **There is always a requirement for a final project report in AWMF grant agreements and educational activities are encouraged. If the proposed project uses aquatic herbicides, monitoring will be required to comply with the National Pollutant Elimination Discharge System (NPDES) permit.**

After the draft agreement has been reviewed and approved by the recipient, the agreement is routed through an Ecology internal review process. If any substantial changes are made during this review process, the recipient will have an opportunity to review these changes before the grant agreement is finalized. Once the grant has undergone the Ecology review process, the recipient receives three copies of the grant agreement for signature. The recipient's authorized representative signs and dates all three copies and returns them to the Ecology project manager. Ecology's Water Quality Program Manager then signs all three copies. The agreement becomes effective only after Ecology signs the agreement. The project manager returns one signed original to the recipient.

By signing an agreement and accepting the terms and conditions of a grant, an applicant agrees to comply with all of the applicable state and local statutes, regulations, orders, permits, the AWMF guidelines, and the general terms and conditions of the grant agreement. The recipient may have to comply with other conditions, including, but not limited to, environmental review, procurement, discrimination, labor, job safety, drug-free environments, and anti-lobbying requirements. Recipients must also comply with the state regulations governing minority and women-owned business enterprises (MBE/WBEs).

#### Prior Authorization

Ecology recognizes that under certain circumstances, it may be necessary to commence work on a project in advance of a signed and executed grant agreement. Circumstances associated with early infestation projects may require immediate action. In addition, various projects may be required to meet certain environmental conditions or may be bound through permit requirements to proceed by a certain date. Under such circumstances and by written request of the applicant,

## Aquatic Weeds Management Fund Program Guidelines

Ecology may provide the applicant written authority to incur expenses that could be grant eligible.

Funds are not released until a grant agreement is signed. Costs incurred prior to the effective date of the written notification of prior authorization from Ecology (*the prior authorization date*) will be the sole responsibility of the public body. Until a grant agreement has been signed, the recipient must assume responsibility for costs incurred as there is no guarantee by Ecology that a grant will be awarded. Any work performed by the public body that is not consistent with the conditions specified in Ecology's prior authorization letter, and all other applicable criteria, will not be eligible for grant funds.

### **Important Dates in Agreements**

The grant agreement becomes effective on the date that Ecology's Water Quality Program Manager signs the agreement, unless otherwise stated in the agreement. Any costs incurred before this *effective date* are not eligible for reimbursement unless prior authorization has been obtained in writing from Ecology. If the recipient does not begin work on the funded project within four months of the effective date (or another mutually acceptable start date), Ecology reserves the right to terminate the agreement.

The *expiration date* is the date the grant is no longer in effect. This date is negotiated as part of the grant agreement. All required work should be completed before this date. Costs incurred after the expiration date are not eligible for reimbursement unless this expiration date is extended by an amendment.

### **Amendments to Agreements**

All modifications and changes to grant agreements and scopes of work must be established in writing as amendments to the agreement. This can be done only through a formal or letter amendment as described in *Administrative Requirements for Ecology Grants and Loans*, available on the internet at <http://www.ecy.wa.gov/biblio/9118a.html>, or from your project manager.

## Chapter 7

### General Guidance

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#### Local Match Requirements

All grants must be matched by local funds. Local match may be cash, a grant or loan from another source, or in-kind contributions such as local volunteer time or donated materials. The cost of goods and services provided to a recipient by another eligible local government under the terms of an interlocal agreement is also eligible for local match. Please refer to the *Administrative Requirements for Ecology Grants and Loans*.

The percentage of match varies according to project type: General aquatic plant projects will be funded at 75 percent state share and 25 percent local share. Pilot projects and early infestation projects will be funded at 87.5 percent state share and 12.5 percent local share. For all projects, the match can be any combination of cash, in-kind contributions, or interlocal costs (considered a form of in-kind). In no case may the amount of eligible in-kind contributions exceed the required local match.

#### In-Kind Contributions

In-kind contributions must meet the requirements explained in *Administrative Requirements for Ecology Grants and Loans*. In addition, in-kind contributions are subject to the following limits:

- In-kind contributions must relate directly to the activity being funded.
- In-kind contributions are limited to time, material, or real or personal property donated to the grant recipient to fulfill project requirements.
- Volunteer time may be donated at Ecology's accepted in-kind rate (\$15.00 per hour).
- Contributed time from individuals receiving compensation through the grant may not be counted as an in-kind contribution.
- In-kind contributions must be fully documented and reported separately when requesting reimbursement.
- In-kind contributions must be reported on the Contributed Services Report Forms (or equivalent form), available from Ecology.

#### Interlocal Agreements

When a proposed project involves a contribution from another public body, contributed costs may be eligible for grant participation, provided there is a negotiated signed interlocal agreement. Salaries and benefits paid by the contributing public body may be used towards the recipient's cash match. All indirect rates associated with the contributed salaries and benefits and other costs are ineligible for grant participation. By signing the grant agreement, the recipient certifies that all negotiated Interlocal Cost Agreements and Interlocal Agreements are consistent with the grant agreement terms and conditions and Chapter 39.34 RCW, Interlocal Cooperation

## Aquatic Weeds Management Fund Program Guidelines

Act. To be eligible, interlocal costs must meet the conditions specified in *Administrative Requirements for Ecology Grants and Loans*.

### **Procuring Goods and Services**

The grant recipient is responsible for the procurement of goods and professional personal and other services in a manner consistent with all applicable federal, state, and local laws, orders, regulations, and permits including those related to discrimination, labor, job safety, and the state regulation for minority- and women-owned business. Ecology requirements for procurement are contained in *Administrative Requirements for Ecology Grants and Loans*. By signing the grant agreement, the recipient certifies that consulting and personal services were procured in accordance with Chapter 39.80 RCW, *Contracts for Architectural and Engineering Services*, and other applicable state laws and regulations. Recipients must submit a copy of the final signed consultant/engineering contract to the project manager. The project manager will review the contract for eligibility and consistency with the grant requirements.

### **Public Awareness**

Recipients are encouraged to inform the public about the project and the participation of Ecology in the project through project signs, the media, or other public announcements. Announcements usually include the goals of the project, total cost, and the involvement of Ecology.

### **Appeals Process**

Once a grant agreement has been signed and work has begun, a written decision by an Ecology project manager may be appealed through the formal appeals process. Appeals must be filed in writing with the Ecology Water Quality Program Manager within 30 days from the date of Ecology's final written decision on the issue. The Water Quality Program Manager will appoint an appeals panel and the members of the panel will address the issue. Ecology's appeal determination is final and conclusive. Any appeal of Ecology's final determination must be brought in the Superior Court of Thurston County.

Following a final decision of a dispute, Ecology and the recipient shall proceed with the project in accordance with the decision rendered. Administrative or legal costs and other expenses incurred as part of an appeal will not be eligible for reimbursement under the grant.

Details of the appeal process can be provided to grant recipients by their project manager.

## Chapter 8

### Financial Management and Administration of Grants

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Grant recipients must comply with all applicable federal, state, and local statutes, ordinances, orders, regulations, and permits including those related to discrimination, labor, job safety, and applicable provisions of the state or federal regulations for minority and women owned businesses. Recipients must also secure any necessary permits required by authorities having jurisdiction over the project and must provide documentation to Ecology upon request.

All grant recipients are required to maintain accounting records in accordance with generally accepted government accounting standards. These standards include those contained in the most recent editions of the United State General Accounting Office publication, *Standards for Audit of Government Organizations, Programs, Activities, and Functions*, and *Ecology's Administrative Requirements for Ecology Grants and Loans*. In addition, grant recipients are required to maintain an accounting system which can track project expenditures separately from general local government expenses.

Ecology may conduct periodic administrative reviews of funded projects to evaluate a recipient's records and accounting systems. These reviews are intended to verify that eligible and ineligible costs have been documented for audit and that recipients are in compliance with applicable state statutes, regulations, and requirements (including special grant conditions).

#### Grant Disbursements and Payments

Payments are disbursed as costs are incurred. Recipients will submit requests for payment at least annually, but not more than monthly, except in exceptional circumstances.

#### Payment Requests and Progress Reports

All payment requests must follow the procedures described in *Administrative Requirements for Ecology Grants and Loans*.

Recipients are to submit an annual progress report, unless otherwise established in the grant agreement. In addition to a description of the progress being made, the annual report should describe any problem, delay, or adverse condition that will affect the objectives, time schedule, or tasks. A statement of the corrective or compensatory actions taken or proposed should be included. Any Ecology assistance that may be needed should also be identified.

## **Payment Holds or Termination**

If a recipient does not satisfy all conditions contained in the agreement, Ecology may withhold payment, decrease the agreement by an amount proportionate to the incomplete work, or terminate the agreement. Following termination, repayment of all or a portion of the funds dispersed to a recipient may be required by Ecology.

Termination may also result in a financial settlement, reflected in an amendment to the grant agreement. In such a settlement, the recipient must demonstrate to Ecology's satisfaction that a specific portion of the project's agreed upon scope of work was accomplished. A written notice of termination must be issued by the Water Quality Program Manager at least five working days prior to the effective date of the termination.

## Glossary

### The Aquatic Weeds Management Fund

|                                  |   |
|----------------------------------|---|
| <b>Applicant</b>                 | A project sponsor – must be a city, county, state agency, conservation district, tribe, or special purpose district. Lake management districts are not considered to be special purpose districts.  |
| <b>Contain</b>                   | To confine a freshwater weed to an identified area of infestation.  |
| <b>Control</b>                   | To manage the problems caused by aquatic weeds.   |
| <b>Early Infestation</b>         | A new introduction of an invasive, non-native freshwater plant.   |
| <b>Early Infestation Project</b> | A project to eradicate or contain a new invasion of a non-native, invasive freshwater plant. Grants for early infestation projects are available year-round and provide immediate financial assistance to local or state governments.   |
| <b>Effective Date</b>            | The date on which a grant agreement becomes effective, which is the date it is signed by the Water Quality Program Manager, unless otherwise stated in the agreement.   |
| <b>Eligible Cost</b>             | The portion of the cost of activities that can be financed under the provisions of these guidelines.  |
| <b>Eradicate</b>                 | To eliminate a freshwater weed within an area of infestation.   |
| <b>Freshwater</b>                | Any non-marine or non-estuarine surface water.  |
| <b>Freshwater Weed</b>           | Any emergent, submersed, partially submersed, or floating-leaved, vascular aquatic plant in a lake, river, or stream that adversely affects fish populations, reduces habitat for desirable aquatic plant and wildlife species, or decreases public recreational opportunities. As of January 2002, a freshwater weed is further defined to include only those species that are classified by the U.S. Fish and Wildlife Service as obligate or facultative wetland species. Examples of plants that are obligate or facultative wetland species include, but are not limited to: Eurasian watermilfoil ( <i>Myriophyllum spicatum</i> ), Brazilian elodea ( <i>Egeria densa</i> ), parrotfeather ( <i>Myriophyllum aquaticum</i> ), and purple loosestrife ( <i>Lythrum salicaria</i> ). |
| <b>Grant Agreement</b>           | A contractual arrangement between a public body and Ecology that includes an approved scope of work, total project cost, set grant percentage, eligible costs, budget, and a schedule for project completion  |

Aquatic Weeds Management Fund  
Program Guidelines

(in addition to other requirements).

|   |   |
|---|---|
| <b>In-direct Costs</b>                          | Costs that benefit more than one activity of the recipient and that may not be directly assigned to a particular project objective. Some portion of these costs may be eligible for reimbursement. Please refer to <i>Administrative Guidelines for Ecology Grants and Loans</i> .  |
| <b>In-Kind Contributions</b>                    | The value of non-cash contributions provided by a public body or any other approved parties. Non-cash contributions can be in the form of charges for personal services, real property, non-expendable personal property, and the value of goods and services directly benefiting and specifically identifiable to the project. |
| <b>Invasive, Non-native, Aquatic Plant</b>      | Invasive non-native freshwater plants include, but are not limited to: <i>Myriophyllum spicatum</i> , <i>Egeria densa</i> , <i>Lythrum salicaria</i> , <i>Cabomba caroliniana</i> , <i>Hydrilla verticillata</i> , and <i>Myriophyllum aquaticum</i> .  |
| <b>Integrated Aquatic Plant Management Plan</b> | A vegetation management plan that considers all weed management options and selects one or a combination of options for implementation. See Appendix C  |
| <b>Lake Restoration</b>                         | Any action taken to prevent lake deterioration or return a lake system to an unimpaired state or condition.   |
| <b>Local Share or Match</b>                     | The portion of the project costs not covered by an AWMF grant, including actual cash outlays by the public body and others and non-cash (in-kind) contributions.  |
| <b>Non-native</b>                               | Any freshwater or wetland plant species not indigenous to Washington State.   |
| <b>Noxious Weed</b>                             | Any weed listed on the Washington State Noxious Weed list (16.750 WAC)  |
| <b>Offer List</b>                               | List of projects prioritized for receiving financial assistance from the AWMF.  |
| <b>Pioneer Colony</b>                           | One or more plants (or groups of plants) of an invasive non-native aquatic plant species to invade a previously uninfestated lake, river, or stream.  |
| <b>Prevent</b>                                  | To deter the spread of invasive, non-native freshwater weeds.   |
| <b>Prior Authorization to Incur Costs</b>       | A written agreement between Ecology and the grant recipient authorizing the recipient to begin incurring costs related to a grant for which there is not yet a signed agreement.  |

Aquatic Weeds Management Fund  
Program Guidelines

|                                    |   |
|------------------------------------|---|
| <b>Prior Authorization Date</b>    | The date specified in a letter from Ecology authorizing the recipient to begin incurring costs related to a grant for which there is not yet a signed agreement.  |
| <b>Project</b>                     | An aquatic plant management activity for which a grant is awarded by Ecology.   |
| <b>Project Expiration Date</b>     | The last date that costs can be incurred and be considered grant eligible. All items identified in the scope of work must be completed by this date. Costs incurred after the expiration date will not be considered eligible.  |
| <b>Project Manager</b>             | Ecology management assigns a project manager to each grant project. The project manager provides technical assistance, helps negotiate the grant agreement with the recipient, and manages the communications and administration of the grant agreement.  |
| <b>Public Boat Launch</b>          | A publicly provided seasonal or year-round boat launching ramp. Boat launching ramps must allow access to the waterbody by a wheeled boat trailer. Canoe or kayak put-in areas are not considered to be boat launching ramps. Seasonal access may be provided by a Department of Fish and Wildlife boat launch or similar such access.  |
| <b>Public Body</b>                 | The state of Washington or any state agency, county, city, or town, conservation district, special purpose district, and tribe.   |
| <b>Scope of Work</b>               | A detailed description of the project, including measurable objectives useful for determining successful completion. The scope of work is negotiated between Ecology and the grant recipient.   |
| <b>Total Project Cost</b>          | The sum of all costs associated with an aquatic plant management project including costs that are not eligible for grant funding.   |
| <b>Total Eligible Project Cost</b> | The sum of all costs associated with an aquatic plant management project that have been determined to be eligible for grant funding.  |
| <b>Waterbody</b>                   | Open freshwater lakes, rivers, or streams.  |
| <b>Wetlands</b>                    | The transition zone between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have one or more of the following attributes: (1) at least periodically, the land predominately supports hydrophytic plants (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated water or covered by shallow water at some time during each year. |

## Appendix A

### Enabling Statutes

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#### Chapter 43.21A

#### DEPARTMENT OF ECOLOGY

##### Sections

43.21A.650 Freshwater aquatic weeds account

43.21A.660 Freshwater aquatic weeds management program

43.21A.662 Freshwater aquatic weeds management program – advisory committee

**43.21A.650 Freshwater aquatic weeds account.** The freshwater aquatic weeds account is hereby created in the state treasury. Expenditures from this account may only be used as provided in RCW 43.21A.660. Moneys in the account may be spent only after appropriation. [1991 c 302 2]

**Findings---1991 c 302:** "The legislature hereby finds that Eurasian water milfoil and other freshwater aquatic weeds can adversely affect fish populations, reduce habitat for desirable plant and wildlife species, and decrease public recreational opportunities. The legislature further finds that the spread of freshwater aquatic weeds is a statewide problem and requires a coordinated response among state agencies, local governments, and the public. It is therefore the intent of the legislature to establish a funding source to reduce the propagation of Eurasian water milfoil and other freshwater aquatic weeds and to manage the problems created by such freshwater aquatic plants." [1991 c 302 1.]

**Effective date---1991 c 302:** See note following RCW 46.16.670

**43.21A.660 Freshwater aquatic weeds management program.** Funds in the freshwater aquatic weeds account may be appropriated to the department of ecology to develop a freshwater aquatic weeds management program. Funds shall be expended as follows:

- (1) No less than two-thirds of the appropriated funds shall be issued as grants to (a) cities, counties, tribes, special purpose districts and state agencies to prevent, remove, reduce, or manage excessive freshwater aquatic weeds; (b) fund demonstration or pilot projects consistent with the purposes of this section; and (c) fund hydrilla eradication activities in waters of the state. Except for hydrilla eradication activities, such grants shall only be issued for lakes, rivers, or streams with a public boat launching ramp or which are designated by the department of fish and wildlife for fly-fishing. The department shall give preference to projects having matching funds or in-kind services and

Aquatic Weeds Management Fund  
Program Guidelines

- (2) No more than one-third of the appropriated funds shall be expended to: (a) Develop public education programs relating to preventing the propagation and spread of freshwater aquatic weeds; and (b) Provide technical assistance to local governments and citizen groups.

[1996 c 190 § 1; 1991 c 302 § 4.] [1991 c 302 4.]

**Findings----**1991 c 302: See note following RCW 43.21A.650

**Effective date----**1991 c 302: See note following RCW 46.16.670

RCW 43.21A.662 Freshwater aquatic weeds management program – Advisory committee

- (1) The department shall appoint an advisory committee to oversee the freshwater aquatic weeds management program.
- (2) The advisory committee shall include representatives from the following groups:
- (a) Recreational boaters interested in freshwater aquatic weed management;
  - (b) Residents adjacent to lakes, rivers, or streams with public boat launch facilities;
  - (c) Local governments;
  - (d) Scientific specialists;
  - (e) Pesticide registrants, as defined in \* RCW 15.58.030 (34);
  - (f) Certified pesticide applicators, as defined in \*\* RCW 17.21.020 (5), who specialize in the used of aquatic pesticides; and
  - (g) If \*\*\* chapter ..., Laws of 1999 (Senate Bill No. 5315) is enacted by June 30, 1999, the aquatic nuisance species coordinating committee.
- (3) The advisory committee shall review and provide recommendations to the department on freshwater aquatic weeds management program activities and budget and establish criteria for grants funded from the freshwater aquatic weeds account.

**Reviser's Note:**

\* (1) RCW 15.58.030 was amended by 2000 c 96 § 1, changing subsection (34) to subsection (35).

\*\* (2) RCW 17.21.020 was amended by 2001 c 333 § 1, changing subsection (5) to subsection (6), effective July 1, 2002.

\*\*\* (3) Senate Bill No. 5315 (1999) was not enacted into law by June 30, 1999.

## Appendix B

### Eligible and Ineligible Project Costs

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#### Eligible Costs

- Annual meeting or conference registration fees where the attendee is making a formal presentation about the grant project or where the Ecology project manager has given approval.
  - Environmental checklists, assessments, and impact statements necessary to satisfy project requirements for the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA).
  - Equipment and/or tools. Equipment should be identified in the grant agreement.
  - Implementation of aquatic plant management activities.
  - Indirect costs – eligible at a rate of up to 25 percent, or as defined in the most recent edition of *Administrative Requirements for Ecology Grants and Loans*.
  - Light refreshments for advisory group meetings when specified in the grant agreement.
  - Monitoring/sampling equipment when specified in the grant agreement.
  - Planning.
  - Project management and administration.
  - Public participation and public awareness directly related to the project.
  - Sales tax.
  - Time of steering committee members at steering committee meetings. Other interested public attending the meeting **can not** be counted for in-kind contributions.
  - Training recipient staff to develop skills specific and necessary to the funded project and where the training is identified in the grant agreement.
-

### **Ineligible Costs**

- Activities that other state and federal agencies are required to perform.
- Activities other than those identified in the grant agreement.
- Fines and penalties due to violations of, or failures to comply with federal, state, or local laws.
- Lobbying or expenses associated with lobbying.
- Office furnishings or equipment.
- Ordinary operating expenses of state or local government, such as salaries and expenses of a mayor, city council member, city attorney, etc.
- Personal injury compensation or damages rising out of the project whether determined by adjudication, arbitration, negotiation, or other means.
- Time of volunteers attending public meetings about the project.
- Training unrelated to the project.
- Scientific research unrelated to a specific activity.
- Other items as determined by Ecology.

## Appendix C

### Minimum Requirements for an Integrated Aquatic Vegetation Management Plan

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Please also see *A Citizen's Manual for Developing Integrated Aquatic Vegetation Management Plans* – Ecology Publication 93-93 – on the web at:  
<http://www.ecy.wa.gov/programs/wq/plants/management/manual/index.html>

Ecology recommends that Integrated Aquatic Vegetation Management Plans go through the State Environmental Policy Act (SEPA) process.

### Minimum Standards for the Development of Integrated Aquatic Plant Management Plans

In addition to the minimum standards for the plan, this section of the guidelines provides links to web sources for information, examples, and guidance to help people develop an integrated aquatic plant management plan that will be approvable by Ecology.

### Public and Community Involvement

The heart of developing an integrated aquatic plant management plan is involving the community and the public throughout the plan development process. Plans are most often developed by a local government staff person, an aquatic plant consultant, or a water body resident in conjunction with a core of interested and involved parties that make up a steering committee that meets on a periodic schedule.

Once an aquatic plant problem has been recognized, it is crucial to invite all affected parties to comment on or participate in the planning effort. Groups that may have an interest in plan development are those directly affected by the noxious weed(s) or those agency staff that regulate the use of the management methods used to control the noxious weeds. Most often the “sparkplugs” who initiate the planning effort are water front residents and to a lesser extent local governments. Interested parties may include:

- Residents or property owners around the water body;
- Special user groups (*e.g.*, bass anglers, Ducks Unlimited);
- Local government;
- State and federal agencies (*e.g.*, State Department of Ecology);
- Native American tribes;
- Water-related businesses (*e.g.*, resorts, tackle and bait shops, dive shops);
- Elected officials; and
- Environmental groups (*e.g.*, Audubon).

## Aquatic Weeds Management Fund Program Guidelines

Once the planning effort begins, obtain and document support or acceptance from interested parties, particularly large landholders and permitting agencies. Have a section in the plan or in the appendix to the plan that documents public involvement including copies of notices and invitations that have gone out to interested parties and records of meetings that have been held such as attendance sheets or meeting minutes.

Each group needs to solicit public input for plan development. At a minimum, one public meeting should be held to discuss the draft management plan and receive feedback. Some groups who have developed plans have sent out questionnaires or survey forms to water body residents and interested parties to receive feedback and gather ideas about levels of concerns with aquatic plants and potential control methods. This input can help with the development of a lake plan. Other groups provide plan and implementation updates to the residents and interested parties via community newsletters or websites. Plans should be revised according to this feedback.

If more than one public meeting is held, here are times during plan development when holding public meetings are helpful:

- At the formative stages;
- When plant control alternatives have been developed, but before a recommended plant control alternative has been selected;
- After selecting an alternative, but before implementation;
- During implementation, as necessary;
- During evaluation and surveillance phases, as necessary.

### **Develop a Problem Statement**

The first step in plan development, after a steering committee is formed, is to develop a problem statement by listing the type and location of noxious weeds that are causing problems or have the potential to cause problems in the water body. List the beneficial uses that these plants are disrupting or have the potential to disrupt in the lake and explain what problems the plant may cause if unmanaged.

Example: Here is the problem statement from the Spring Lake Plan

Spring Lake is located 6 miles East of Renton on the southern ridge of the Cedar River valley. Lakes Spring, Desire, and Shady are all within the Peterson Creek sub-basin of the Cedar River Watershed. King County's Spring Lake/Lake Desire park comprises approximately 373 acres, spanning from the southeastern corner of Lake Desire to the southwest shore of Spring Lake. These lakes drain into the Cedar River and its extremely valuable salmon habitat, and provide Regionally significant wetland and aquatic habitat (King County, 1993). The park bordering Spring Lake includes a rare peat fen and a rocky knoll with montane vegetation. It is a wildlife refuge and popular hiking area. Lakes Desire, Shady, and Spring each have public boat launches and are popular boating, fishing, and swimming destinations. Residents of the Spring Lake watershed are very proud of their setting and are active recreational users. Both the Spring Lake and Lake Desire community clubs are active in social and environmental issues. Nearby Shady Lake recently created its own Lake Utility District to install sewer lines.

Due to prolific growth of several species of dense, invasive aquatic noxious weeds, Spring Lake is in danger of losing its aesthetic beauty, its wildlife habitat, and its recreational attributes. If left untreated, the worst of these weeds, Eurasian water milfoil (*Myriophyllum spicatum*), will blanket the lake in a short time, preventing most recreational uses and eliminating badly needed wildlife habitat. There will be long-term financial and recreational loss and the loss of conservation areas, all affecting watershed residents and other members of the public who use the lake. Increasing development in the area is likely to increase the number of people using the lake in coming years, which accelerates the magnitude of the loss of beneficial uses to the community.

The shallow shoreline area provides an excellent habitat for aquatic plants. In the past few years aggressive, non-native Eurasian water milfoil (milfoil) has invaded the lake and is colonizing much of the near-shore aquatic habitat. The dense submersed growth of milfoil has begun to cause a significant deterioration in the quality of the lake and its value to the community. The boat launch area has dense patches of milfoil, which can spread to other lakes by fragments on boat trailers. Lake Desire and Shady Lake are threatened with new introductions if milfoil in Spring Lake is not controlled because of the high probability of transport by boat trailers to these nearby systems.

Milfoil is the most significant submersed invasive threat but other noxious weeds have also invaded Spring Lake. These include fragrant water lily (*Nymphaea odorata*), purple loosestrife (*Lythrum salicaria*), and yellow flag iris (*Iris pseudacorus*). All of these species are considered noxious weeds as listed in WAC 16-750. None of the native aquatic plants in the system are a management issue at this time. The native plants provide important benefits to the aquatic system and are not impeding any of the recreational uses of the lake. Removing the noxious invaders will halt the degradation of the system and allow the dynamic natural equilibrium to be maintained.

Unfortunately, these invasive plants concentrate in the near shore zone which is also that portion of the lake that is valued and utilized most by lake residents and visitors.

Dense weed growth poses a threat to swimmers, and the portion of the lake where people can fish is shrinking. Both milfoil and fragrant water lilies foul fishing gear, motors, and oars. It is no longer possible to troll through large portions of the lake. As a group these invasive plants:

- Pose a safety hazard to swimmers and boaters by entanglement;
- Snag fishing lines and hooks, eventually preventing shoreline fishing;
- Crowd out native plants, creating monocultures lacking in biodiversity;
- Significantly reduce fish and wildlife habitat, thereby weakening the local ecosystem as well as degrading wildlife and wildlife viewing opportunities;
- Pose a threat to adjoining ecosystems

The Spring Lake community has documented three decades of neighborhood funded efforts to control invasive weeds. They have not been able to meet the current challenge of controlling such widespread infestations or of preventing re-infestation. Immediate action is necessary to control Eurasian water milfoil and other invasive weeds. If left unchecked, the lake will soon become heavily infested with aquatic weeds, severely degrading the lake ecosystem and making them even harder to eradicate. The community recognizes that after initial control efforts, opportunity for re-infestation must be prevented.

## Define Management Goals

Once a problem statement has been drafted, the next step is to develop specific management goals. Management goals define what is to be achieved in response to the aquatic plant problems. Defining goals helps in selecting the best management methods. Management efforts should cover *at least five years*. As managers of waters of the state, the goals must be protective of all of the characteristic uses of the lake. “Characteristic uses” of waters of the state are defined in the Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-201A WAC. The characteristic uses protected for lakes include:

1. Fish and shellfish: Salmon and steelhead migration, rearing, spawning, and harvesting. Other fish migration, rearing, spawning, and harvesting. Clam and mussel rearing, spawning, and harvesting. Crayfish rearing, spawning, and harvesting;
2. Primary contact recreation, *i.e.*, activities where a person would have direct contact with water including, but not limited to, diving, swimming, and water skiing;
3. Domestic, industrial, and agricultural water supply;
4. Stock watering;
5. Wildlife habitat;
6. Harvesting (such as crayfish, plants, etc.);
7. Commerce and navigation;
8. Boating; and
9. Aesthetic values.

Example: Here are the management goals from the Spring Lake Plan:

The overarching management goal is to control noxious aquatic weeds in Spring Lake in a manner that allows sustainable native plant and animal communities to thrive, maintains acceptable water quality conditions, and facilitates recreational enjoyment of the lake.

There are four main strategies to ensure success in meeting this goal:

1. Involve the community in each phase of management process;
2. Use the best available science to identify and understand likely effects of management actions on aquatic and terrestrial ecosystems prior to implementation;
3. Review the effectiveness of management actions;
4. Adjust the management strategy as necessary to achieve the overall goal.

Specific details related to the implementation of management objectives are covered in subsequent sections of this plan.

## List and Discuss Water body and Watershed Characteristics

A lake or river is a dynamic, living system that extends beyond its shores to include surrounding lands whose waters drain into the water body. A *watershed* is the surface drainage area that contributes water to a lake, river, or other body of water. Activities occurring in the watershed affect the health of the water body. Because of this, it is important for lake groups to be aware of activities occurring in the watershed that could potentially affect the water body.

Ecology uses a system of "Watershed Resource Inventory Areas" or "WRIAs" to refer to the state's major watershed basins. The water body will be included in a WRIA, but the water body watershed will likely encompass a much smaller area. The plan should provide data for the water body watershed. WRIA and some on-line environmental information are available at:

<http://www.ecy.wa.gov/programs/eap/env-info.html> or

<http://www.ecy.wa.gov/watershed/index.html> or

<http://www.ecy.wa.gov/apps/watersheds/aquaticplants/listbywria.asp>. On this last website, click the arrow-down button on the top of the page to find your particular water body.

### Watershed characteristics to include in the plan are:

- The location and size of the watershed;
- The land use activities occurring within the watershed (rural, single family, residential, industrial, commercial, urban, suburban, etc.);
- Stream and wetland locations;
- Nonpoint nutrient source locations (actual or potential). Sources may include dairies, hobby farms, residential runoff, septic systems, stormwater runoff, etc.

## Water Body Characteristics

Water body maps and information for many of Washington's lakes are available at [http://www.ecy.wa.gov/programs/eap/fw\\_lakes/lk\\_list.html](http://www.ecy.wa.gov/programs/eap/fw_lakes/lk_list.html). You can also obtain water body maps from the Topozone™ website at <http://www.topozone.com> or you can check with your local government. Many cities and counties have some data on the water bodies within their jurisdictions. Or you can search Ecology's aquatic plant database for plant species information at: <http://www.ecy.wa.gov/programs/eap/lakes/aquaticplants/index.html>.

The Washington Department of Fish and Wildlife (WDFW) maintain a number of databases that contain information on important fish and wildlife species that should be considered in land use decisions and activities. Use of this information in the earliest planning stages can help minimize project conflicts and delays due to fish and wildlife issues. Maps are available from: <http://wdfw.wa.gov/habitat.htm>. Information about salmon use of water bodies is available from WDFW's SalmonScape website at: <http://wdfw.wa.gov/mapping/salmonscape/index.html>.

### Water body characteristics to include in the plan are:

- The location, size, depth (bathymetry), and the shape of the water body (include a water body map with depth contours);
- The water source(s), such as streams and stormwater inlets;
- The flushing rate of the water body (if known);
- Information about water body inlets and outlets including flow rates during the summer (if known). Information about downstream plants or animals that may be impacted by any management activities in the water body should be included;
- The water quality of the water body – evaluate historical and any recent water quality data (if there is existing data);
- Status on the 303 (d) list, including the parameters that the water body is listed for. See the list at: <http://www.ecy.wa.gov/programs/wq/303d/>
- Water withdrawals: Information about water intakes for potable/domestic/municipal water use, irrigation, or stock watering (most herbicides have water use prohibitions). Ecology regional offices keep a database of water right holders, but the best way to determine who is using the water is by asking the water body residents. Many water rights are no longer being used and Ecology's database is out of date. Sometimes people using the water have no legal rights to do so, but are doing so anyway;
- Aquatic plants present in and along the shorelines of the water body;
- Problem algae present in the water body. Discuss any problems that the water body is experiencing with algal populations;
- Shoreline use of the water body (residential, rural, industrial, and including the number of residences along the water body etc.);
- A general characterization of the sediment types found in the water body (organic, silt, sand, gravel, flocculent), etc.;
- The fisheries: Contact the local Fish and Wildlife office for a list of fish from the water body and include this information in the plan. If salmon are present, discuss species, migration patterns, and timing of the runs through the water body. Determine whether

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there are fish rearing and spawning areas that should remain undisturbed by plant management activities;

- Wetland areas: Describe the type and quality of any wetlands and indicate their location on a map (often the local government will have this information under their Shoreline Master Program);
- Wildlife: Include a list of birds, mammals, amphibians, and reptiles that are present or use the water body. Determine whether there are waterfowl nesting areas that should remain undisturbed by plant management activities. Sources for this information can include WDFW, local residents' knowledge, local government, etc.;
- Rare plants: Contact the Department of Natural Resource Heritage Program (DNR) to determine whether rare plants are present in the water body. See their website at: <http://www.dnr.wa.gov/nhp/index.html>. A letter from DNR concerning the presence or absence of rare plants must be attached to this plan for it to be approved by Ecology;
- Endangered species: Check with WDFW to determine if there are rare fish, amphibians, or other species that could be potentially impacted by management efforts. If present, determine when and where this species uses the water body and develop mitigation measures to minimize noxious weed management impacts on this species.
- Describe any other unique characteristic(s) of this water body that were not covered in the other categories.

The reasons for providing this information is to help design a site-specific program that allows for the eradication of noxious weeds and minimizes the impact of the management methods on non-target organisms, water quality, and protects water rights.

### **List Beneficial and Recreational Uses of the Water body and Develop a Beneficial Use Map**

**Identify present water body uses such as:**

- Conservancy areas including habitats that are integral to the lake ecosystem (nesting areas, rare plants or animals, fish rearing habitat, etc.);
- Water skiing areas;
- Boating and boat access areas (launches, ramps);
- Beach and swimming areas (public and private);
- Fishing areas;
- Parks, picnic areas, nature trails, scenic overlooks;
- Inlets and outlets; and
- Drinking/domestic water or irrigation withdrawals or stock watering sites.

Include a water body map(s) with these uses delineated on the map.

## **Survey and Map Aquatic Plants**

- Survey methods for aquatic plant mapping can be seen at this web link: <http://www.ecy.wa.gov/programs/wq/plants/management/survey.html>.
- Ecology has surveyed many public access water bodies. Check to determine if survey information exists for the water body at: <http://www.ecy.wa.gov/programs/eap/lakes/aquaticplants/index.html>. Although Ecology's information will be useful, having this information does not preclude doing an updated survey.
- There is an on-line plant identification manual and line drawings and photographs of aquatic plants at: <http://www.ecy.wa.gov/programs/wq/plants/plantid2/index.html>

### **Include a Species List:**

Inventory and identify all species of aquatic plants in the water body, including shoreline plants (emergents), floating-leaved plants, floated leaved-rooted plants, and submersed plants and include this information as a list of plant species. This step requires expertise in aquatic plant identification.

### **Include a map of the waterbody that shows:**

- Approximate locations and species of aquatic plants, including shoreline plants, floating-leaved plants, floated leaved-rooted plants, and submersed plants;
- Locations of emergent wetlands;
- Locations of threatened or endangered species of plants or animals;
- Sediment type (organic, sand, silt, gravel) etc. and;
- Waterbody depth contour lines.

## **Characterize Aquatic Plants**

- Characterize the problem species by describing their growth habit(s), life cycle(s), and distribution or potential distribution within the water body. Information is available for many of the noxious weed species at the following web sites: <http://www.ecy.wa.gov/programs/wq/plants/weeds/index.html> and <http://www.nwcb.wa.gov/>
- Identify any unique characteristics about these species that may help determine the most appropriate management methods and timing. Example: If you are controlling curly leaf pondweed, it's best to control very early in the season before the plant sets numerous turions (over wintering structures). Timing can be important to achieve the most effective management based on plant physiology.

## **Identify and Discuss the Management Alternatives, their Effectiveness, Environmental Impacts, Human Health Risks, Costs, and Their Applicability to the Water Bodies Included in the Plan**

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Management strategies will likely involve a mix of methods. A management program could include mechanical harvesting or cutting to reduce plant biomass, treatment with herbicides, and follow-up “spot” treatments that may include a combination of methods, including hand pulling, diver dredging, or spot application of aquatic herbicides. Ensure that the strategy is specific to the water body. For example, if drawdown is not an option, explain that the water body does not have an outlet structure or dam, etc. that would allow this method.

The following website provides excellent information on aquatic plant management methods and considerations: <http://www.aquatics.org/pubs/madsen2.htm>

A detailed description and discussion of each method can also be found on Ecology’s website. For information on:

- *Manual methods* see: <http://www.ecy.wa.gov/programs/wq/plants/management/aqua022.html>
- *Bottom barriers* see: <http://www.ecy.wa.gov/programs/wq/plants/management/aqua023.html>
- *Diver dredging*, see: <http://www.ecy.wa.gov/programs/wq/plants/management/dredging.html>
- *Sediment agitation methods* see:  
<http://www.ecy.wa.gov/programs/wq/plants/management/aqua029.html>
- *Mechanical cutting* see:  
<http://www.ecy.wa.gov/programs/wq/plants/management/aqua025.html>
- *Mechanical harvesting* see:  
<http://www.ecy.wa.gov/programs/wq/plants/management/aqua026.html>
- *Grass carp* see: <http://www.ecy.wa.gov/programs/wq/plants/management/aqua024.html>
- *Water-level drawdown* see:  
<http://www.ecy.wa.gov/programs/wq/plants/management/drawdown.html>
- *Rotovation* see:  
<http://www.ecy.wa.gov/programs/wq/plants/management/aqua027.html>
- *Herbicides* see:  
<http://www.ecy.wa.gov/programs/wq/plants/management/aqua028.html>
- and supplemental information on Ecology’s website:

Describe each method in the plan (cutting and pasting from the websites is allowable) and determine which of the following aquatic plant management methods are applicable for the water body and targeted species.

At the end of the write-up for each method, provide specific reasons for why or why not this method is applicable (or not) to your water body. (Sometimes individual homeowners may choose to do one or more of these methods around their own water-front property, where other methods may be more suitable for higher use areas).

Here is an example from the Spring Lake Plan.

**Suitability of Bottom Barriers for Spring Lake**

- The Eurasian watermilfoil infestation at Spring Lake is too advanced to consider this method for large-scale eradication;
- Infested areas are too scattered or are too large to use a bottom barrier without becoming cost prohibitive;
- Barriers could be effective at the boat ramp to prevent re-infestation after initial control, or in areas that have dense milfoil and have shown resistance to the herbicide. We plan to install a bottom barrier at the boat launch to provide these benefits;
- Since there is not a swimming beach at Spring Lake, the boat launch seems the only appropriate place to install a bottom barrier to enhance the recreational potential of the lake.

**No action** – Describe the specific short- and long-term impacts associated with not controlling aquatic plants in the waterbody.

**Environmental Manipulation**

- Hand pulling, raking, diver hand pulling;
- Water level drawdown; and
- Bottom barriers.

**Mechanical Control Methods**

- Harvesting;
- Rotovation – underwater rototilling;
- Cutting;
- Dredging; and
- Sediment Agitation (beach groomers, weed rollers, etc.).

**Biological Control Methods**

- Triploid grass carp;
- Host-specific organisms; and
- Pathogens.

**Chemical Control Methods**

- Aquatic herbicides; and
- Adjuvants.

## New Technologies

As new methodologies are developed, they need to also be considered.

## Action Thresholds for Eradication Projects

Eradication versus control: With eradication projects the goal is to eliminate all target species within the water body over a period of time. The targeted species is to be removed selectively with minimal impacts as possible to non-targeted plants.

For submersed species the action threshold should be zero tolerance of the plant in the water body. All plants should be eliminated each year to the greatest extent possible, understanding that it is rare to get 100 percent removal in every year. For curly leaf pondweed, the action threshold should be zero tolerance of turion production in each year.

For floating leaved species: Eradication may be better accomplished by setting a three to five year action goal depending on the extent of the infestation with the goal to eventually reduce populations to zero. This is to minimize impacts to habitat.

## Select the Best Combination of Management Methods to Achieve Eradication. This will Become the Action Strategy

- Identify the management methods that are best suited to the water body while allowing for the goal of noxious weed eradication. Identify the areas where these methods will be used, appropriate timing, and compatibility with the site. Ensure the acceptability of these methods to lake residents and the general public;
- Evaluate whether the strategy has a balanced approach between weed eradication and environmental protection. Strive to minimize impacts to non-targeted organisms (plants and animals);
- Identify permitting needs and work with the regulatory agencies to ensure that permits can be issued for the preferred management methods;
- After the methods for the water body have been selected, revisit the methods section and add additional information to the plan about the selected strategies to support their selection. Information can include: herbicide toxicity data, herbicide labels, question and answer sheets, fact sheets, etc., and some of this information may be included in the plan appendixes;
- Environmental mitigations - Evaluate the compatibility of the weed control strategy with fisheries, waterfowl, wildlife, water use, rare plants, wetlands, endangered species, and the ecology of the waterbody. **Include a section in the plan on how to avoid or minimize these impacts.** If the water body is listed on the 303 (d) list, include a discussion about how the actions taken will not contribute to further impairment of the water body for the parameter listed. Ensure that should this plan be legally contested all these issues are asked, discussed, and answered in the plan;
- Develop costs and a budget to implement the plan. Identify planning costs, capital costs, and operation and maintenance costs. Be realistic. As a rule, things always cost more and take longer to achieve than anticipated;

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- Develop short-term and long-term funding strategies by considering fund sources such as applying for grants and loans, forming self-funding districts such as a Lake Management District, or other funding options. Noxious weed eradication projects may often take many years to accomplish.

### **Monitoring and Evaluation of Plan**

Plans are considered to be “living” adaptive documents that provide guidance rather than being “written in stone.” The plan should be reevaluated at periodic intervals. In addition, each aquatic plant management method used in the action strategy for the water body should be evaluated for efficacy each year. Ineffective methods should be reevaluated. New technologies may be developed and may be more effective than older methods. The plan needs to be flexible to accommodate new ideas.

Include an element in the plan that discusses the monitoring strategy for determining the efficacy of the management methods. The plan should include a post application evaluation of the site(s). The timing of this evaluation shall be appropriate for the management method. This evaluation shall include an estimate of the effectiveness of the method (qualitative or quantitative), any dead or dying non-targeted organisms, algae conditions, and may include any other environmental data which may be available (dissolved oxygen, pH, Secchi disk, turbidity, etc.). Success can be measured by removal of the target species.

### **SEPA Evaluation of the Plan**

Local governments are strongly encouraged to conduct SEPA evaluation on the plan. This provides an additional opportunity for public review and comment and provides additional validity to the plan.

## Appendix D

### General Terms and Conditions Pertaining to Grant Agreements at the Department of Ecology

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#### **GENERAL TERMS AND CONDITIONS**

##### **Pertaining to Grant and Loan Agreements of the Department of Ecology**

#### **A. RECIPIENT PERFORMANCE**

All activities for which grant/loan funds are to be used shall be accomplished by the RECIPIENT and RECIPIENT's employees. The RECIPIENT shall not assign or subcontract performance to others unless specifically authorized in writing by the DEPARTMENT.

#### **B. SUBGRANTEE/CONTRACTOR COMPLIANCE**

The RECIPIENT must ensure that all subgrantees and contractors comply with the terms and conditions of this agreement.

#### **C. THIRD PARTY BENEFICIARY**

The RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this agreement, the state of Washington is named as an express third-party beneficiary of such subcontracts with full rights as such.

#### **D. CONTRACTING FOR SERVICES (BIDDING)**

Contracts for construction, purchase of equipment and professional architectural and engineering services shall be awarded through a competitive process, if required by State law. RECIPIENT shall retain copies of all bids received and contracts awarded, for inspection and use by the DEPARTMENT.

#### **E. ASSIGNMENTS**

No right or claim of the RECIPIENT arising under this agreement shall be transferred or assigned by the RECIPIENT.

## **F. COMPLIANCE WITH ALL LAWS**

1. The RECIPIENT shall comply fully with all applicable Federal, State and local laws, orders, regulations and permits. Prior to commencement of any construction, the RECIPIENT shall secure the necessary approvals and permits required by authorities having jurisdiction over the project, provide assurance to the DEPARTMENT that all approvals and permits have been secured, and make copies available to the DEPARTMENT upon request.
2. Discrimination. The DEPARTMENT and the RECIPIENT agree to be bound by all Federal and State laws, regulations, and policies against discrimination. The RECIPIENT further agrees to affirmatively support the program of the Office of Minority and Women's Business Enterprises to the maximum extent possible. The RECIPIENT shall report to the DEPARTMENT the percent of grant/loan funds available to women or minority owned businesses.
3. Wages And Job Safety. The RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
4. Industrial Insurance. The RECIPIENT certifies full compliance with all applicable state industrial insurance requirements. If the RECIPIENT fails to comply with such laws, the DEPARTMENT shall have the right to immediately terminate this agreement for cause as provided in Section K.1, herein.

## **G. KICKBACKS**

The RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this project to give up any part of the compensation to which he/she is otherwise entitled or, receive any fee, commission or gift in return for award of a subcontract hereunder.

## **H. AUDITS AND INSPECTIONS**

1. The RECIPIENT shall maintain complete program and financial records relating to this agreement. Such records shall clearly indicate total receipts and expenditures by fund source and task or object. All grant/loan records shall be kept in a manner which provides an audit trail for all expenditures. All records shall be kept in a common file to facilitate audits and inspections. Engineering documentation and field inspection reports of all construction work accomplished under this agreement shall be maintained by the RECIPIENT.
2. All grant/loan records shall be open for audit or inspection by the DEPARTMENT or by any duly authorized audit representative of the State of Washington for a period of at least three years after the final grant payment/loan repayment or any dispute resolution

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hereunder. If any such audits identify discrepancies in the financial records, the RECIPIENT shall provide clarification and/or make adjustments accordingly.

3. All work performed under this agreement and any equipment purchased, shall be made available to the DEPARTMENT and to any authorized state, federal or local representative for inspection at any time during the course of this agreement and for at least three years following grant/loan termination or dispute resolution hereunder.
4. RECIPIENT shall meet the provisions in OMB Circular A-128 (Audit of State and Local Governments) or OMB Circular A-110 (Uniform Requirements for Grants to Universities, Hospitals and Other Non-Profit Organizations) if the RECIPIENT receives federal funds in excess of \$25,000. The RECIPIENT must forward a copy of the state auditor's audit along with the RECIPIENT response and the final corrective action plan as approved by the SAO to the DEPARTMENT within ninety (90) days of the date of the audit report.

## **I. PERFORMANCE REPORTING**

The RECIPIENT shall submit progress reports to the DEPARTMENT with each payment request or such other schedule as set forth in the Special Conditions. The RECIPIENT shall also report in writing to the DEPARTMENT any problems, delays or adverse conditions which will materially affect their ability to meet project objectives or time schedules. This disclosure shall be accompanied by a statement of the action taken or proposed and any assistance needed from the DEPARTMENT to resolve the situation. Payments may be withheld if required progress reports are not submitted. Quarterly reports shall cover the periods January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be due within twenty (20) days following the end of the quarter being reported.

## **J. COMPENSATION**

1. Method of compensation. Payment shall be made on a reimbursable basis at least quarterly and no more often than once per month. Each request for payment will be submitted by the RECIPIENT on State voucher request forms provided by the DEPARTMENT along with documentation of the expenses. Payments shall be made for each task/phase of the project, or portion thereof, as set out in the Scope of Work when completed by the RECIPIENT and certified as satisfactory by the Project Officer. The payment request form and supportive documents must itemize all allowable costs by major elements as described in the Scope of Work. Instructions for submitting the payment requests are found in "Administrative Requirements for Ecology Grants and Loans", part IV, published by the DEPARTMENT. A copy of this document shall be furnished to the RECIPIENT. When payment requests are approved by the DEPARTMENT, payments will be made to the mutually agreed upon designee. Payment requests shall be submitted to the DEPARTMENT and directed to the Project Officer assigned to administer this agreement.

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2. Budget deviation. Deviations in budget amounts are not allowed without written amendment(s) to this agreement. Payment requests will be disallowed when the RECIPIENT's request for reimbursement exceeds the State maximum share amount for that element, as described in the Scope of Work..
3. Period of Compensation. Payments shall only be made for action of the RECIPIENT pursuant to the grant/loan agreement and performed after the effective date and prior to the expiration date of this agreement, unless those dates are specifically modified in writing as provided herein.
4. Final Request(s) for Payment. The RECIPIENT must submit final requests for compensation within forty-five(45) days after the expiration date of this agreement and within fifteen (15) days after the end of a fiscal biennium. Failure to comply may result in delayed reimbursement.
5. Performance Guarantee. The DEPARTMENT may withhold an amount not to exceed ten percent (10%) of each reimbursement payment as security for the RECIPIENT's performance and a financial bond. Monies withheld by the DEPARTMENT may be paid to the RECIPIENT when the project(s) described herein, or a portion thereof, have been completed if, in the DEPARTMENT's sole discretion, such payment is reasonable and approved according to this agreement and, as appropriate, upon completion of an audit as specified under section J.6., herein.
6. Unauthorized Expenditures. All payments to the RECIPIENT shall be subject to final audit by the DEPARTMENT and any unauthorized expenditure(s) charged to this grant/loan shall be refunded to the DEPARTMENT by the RECIPIENT.
7. Mileage and Per Diem. If mileage and per diem are paid to the employees of the RECIPIENT or other public entities, it shall not exceed the amount allowed under state law.
8. Overhead Costs. No reimbursement for overhead costs shall be allowed unless provided for in the Scope of Work hereunder.

## **K. TERMINATION**

1. For Cause. The obligation of the DEPARTMENT to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of the DEPARTMENT, to perform any obligation required of it by this agreement, the DEPARTMENT may refuse to pay any further funds thereunder and/or terminate this agreement by giving written notice of termination.

A written notice of termination shall be given at least five working days prior to the effective date of termination. In that event, all finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, and reports or other materials

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prepared by the RECIPIENT under this agreement, at the option of the DEPARTMENT, shall become Department property and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Despite the above, the RECIPIENT shall not be relieved of any liability to the DEPARTMENT for damages sustained by the DEPARTMENT and/or the State of Washington because of any breach of agreement by the RECIPIENT. The DEPARTMENT may withhold payments for the purpose of setoff until such time as the exact amount of damages due the DEPARTMENT from the RECIPIENT is determined.

2. Insufficient Funds. The obligation of the DEPARTMENT to make payments is contingent on the availability of state and federal funds through legislative appropriation and state allotment. When this agreement crosses over state fiscal years the obligation of the DEPARTMENT is contingent upon the appropriation of funds during the next fiscal year. The failure to appropriate or allot such funds shall be good cause to terminate this agreement as provided in paragraph K.1 above.  
When this agreement crosses the RECIPIENT's fiscal year, the obligation of the RECIPIENT to continue or complete the project described herein shall be contingent upon appropriation of funds by the RECIPIENT's governing body; Provided, however, that nothing contained herein shall preclude the DEPARTMENT from demanding repayment of ALL funds paid to the RECIPIENT in accordance with Section O herein.
3. Failure to Commence Work. In the event the RECIPIENT fails to commence work on the project funded herein within four months after the effective date of this agreement, or by any date mutually agreed upon in writing for commencement of work, the DEPARTMENT reserves the right to terminate this agreement.

### **L. WAIVER**

Waiver of any RECIPIENT default is not a waiver of any subsequent default. Waiver of a breach of any provision of this agreement is not a waiver of any subsequent breach and will not be construed as a modification of the terms of this agreement unless stated as such in writing by the authorized representative of the DEPARTMENT.

### **M. PROPERTY RIGHTS**

1. Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property, the RECIPIENT may copyright or patent the same but the DEPARTMENT retains a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover or otherwise use the material(s) or property and to authorize others to use the same for federal, state or local government purposes.  
Where federal funding is involved, the federal government may have a proprietary interest in patent rights to any inventions that developed by the RECIPIENT as provided in 35 U.S.C. 200-212.

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2. Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish information of the DEPARTMENT; present papers, lectures, or seminars involving information supplied by the DEPARTMENT; use logos, reports, maps or other data, in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to the DEPARTMENT.
3. Tangible Property Rights. The DEPARTMENT's current edition of "Administrative Requirements for Ecology Grants and Loans", Part IV, shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by the DEPARTMENT in the absence of state, federal statute(s), regulation(s), or policy(s) to the contrary or upon specific instructions with respect thereto in the Scope of Work.
4. Personal Property Furnished by the DEPARTMENT. When the DEPARTMENT provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to the DEPARTMENT prior to final payment by the DEPARTMENT. If said property is lost, stolen or damaged while in the RECIPIENT's possession, the DEPARTMENT shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
5. Acquisition Projects. The following provisions shall apply if the project covered by this agreement includes funds for the acquisition of land or facilities:
  - a. Prior to disbursement of funds provided for in this agreement, the RECIPIENT shall establish that the cost of land/or facilities is fair and reasonable.
  - b. The RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses contemplated by this agreement.
6. Conversions. Regardless of the contract termination date shown on the cover sheet, the RECIPIENT shall not at any time convert any equipment, property or facility acquired or developed pursuant to this agreement to uses other than those for which assistance was originally approved without prior written approval of the DEPARTMENT. Such approval may be conditioned upon payment to the DEPARTMENT of that portion of the proceeds of the sale, lease or other conversion or encumbrance which monies granted pursuant to this agreement bear to the total acquisition, purchase or construction costs of such property.

## **N. RECYCLED/RECYCLABLE PAPER**

All documents and materials published under this agreement shall be produced on recycled paper containing the highest level of post consumer and recycled content that is available. At a

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minimum, paper with 10 percent post consumer content and 50 percent recycled content shall be used. Whenever possible, all materials shall be published on paper that is unbleached or has not been treated with chlorine gas and/or hypochlorite.

As appropriate, all materials shall be published on both sides of the paper and shall minimize the use of glossy or colored paper and other items which reduce the recyclability of the document.

### **O. RECOVERY OF PAYMENTS TO RECIPIENT**

The right of the RECIPIENT to retain monies paid to it as reimbursement payments is contingent upon satisfactory performance of this agreement including the satisfactory completion of the project described in the Scope of Work. In the event the RECIPIENT fails, for any reason, to perform obligations required of it by this agreement, the RECIPIENT may, at the DEPARTMENT's sole discretion, be required to repay to the DEPARTMENT all grant/loan funds disbursed to the RECIPIENT for those parts of the project that are rendered worthless in the opinion of the DEPARTMENT by such failure to perform.

Interest shall accrue at the rate of twelve percent (12%) per annum from the time the DEPARTMENT demands repayment of funds. If payments have been discontinued by the DEPARTMENT due to insufficient funds as in Section K.2 above, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination. Any property acquired under this agreement, at the option of the DEPARTMENT, may become the DEPARTMENT'S property and the RECIPIENT'S liability to repay monies shall be reduced by an amount reflecting the fair value of such property.

### **P. PROJECT APPROVAL**

The extent and character of all work and services to be performed under this agreement by the RECIPIENT shall be subject to the review and approval of the DEPARTMENT through the Project Officer or other designated official to whom the RECIPIENT shall report and be responsible. In the event there is a dispute with regard to the extent and character of the work to be done, the determination of the Project Officer or other designated official as to the extent and character of the work to be done shall govern. The RECIPIENT shall have the right to appeal decisions as provided for below.

### **Q. DISPUTES**

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement which is not disposed of in writing shall be decided by the Project Officer or other designated official who shall provide a written statement of decision to the RECIPIENT. The decision of the Project Officer or other designated official shall be final and conclusive unless, within thirty days from the date of receipt of such statement, the RECIPIENT mails or otherwise furnishes to the Director of the DEPARTMENT a written appeal.

In connection with appeal of any proceeding under this clause, the RECIPIENT shall have the opportunity to be heard and to offer evidence in support of this appeal. The decision of the

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Director or duly authorized representative for the determination of such appeals shall be final and conclusive. Appeals from the Director's determination shall be brought in the Superior Court of Thurston County. Review of the decision of the Director will not be sought before either the Pollution Control Hearings Board or the Shoreline Hearings Board. Pending final decision of dispute hereunder, the RECIPIENT shall proceed diligently with the performance of this agreement and in accordance with the decision rendered.

## **R. CONFLICT OF INTEREST**

No officer, member, agent, or employee of either party to this agreement who exercises any function or responsibility in the review, approval, or carrying out of this agreement, shall participate in any decision which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is, directly or indirectly interested; nor shall he/she have any personal or pecuniary interest, direct or indirect, in this agreement or the proceeds thereof.

## **S. INDEMNIFICATION**

1. The DEPARTMENT shall in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.
2. To the extent that the Constitution and laws of the State of Washington permit, each party shall indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this agreement.

## **T. GOVERNING LAW**

This agreement shall be governed by the laws of the State of Washington.

## **U. SEVERABILITY**

If any provision of this agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this agreement which can be given effect without the invalid provision, and to this end the provisions of this agreement are declared to be severable.

## **V. PRECEDENCE**

In the event of inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable Federal and State statutes and regulations; (b) Scope of Work; (c) Special Terms and Conditions; (d) Any terms incorporated herein by reference including the "Administrative Requirements for Ecology Grants and Loans"; and (e) the General Terms and Conditions.

## Appendix E

### Driving Directions

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The Ecology building includes offices of the Department of Ecology Headquarters (including the Water Quality Program), Ecology's Southwest Regional Office (including the regional Water Quality Section), the State Conservation Commission, and the U.S. Environmental Protection Agency's Washington Operations Office. The U.S. Fish and Wildlife Service is located in a nearby building.

#### **From the South:**

1. Take I-5 North
2. Take exit 109 Martin Way
3. Turn right onto Martin Way
4. Proceed on Martin Way, turn right on Desmond Drive
5. Turn left to the Ecology Building

#### **From the North:**

1. Take I-5 South
2. Take exit 109 Martin Way
3. Turn left onto Martin Way
4. Proceed on Martin Way, turn right on Desmond Drive
5. Turn left to the Ecology Building